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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/812,770 | 03/20/2001 | Douglas C. Dahlby | 015685.P091 | 8877 |

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EXAMINER

PIZARRO, RICARDO M

| ART UNIT | PAPER NUMBER |
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2661

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/812,770

Applicant(s)

DAHLBY ET AL.

Examiner

Ricardo Pizarro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 5-7, 8-9, 14-16, 17-18, 20-21, 25 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent No. 6,366,779 (Bender) in view of US patent No. 6,804,219 (Koo).

Regarding claims 1 and 12, Bender discloses Method and apparatus for rapid assignment of a traffic channel, comprising a method for opening a communications stream between a user terminal 102 in Fig. 1) and a base station (104 in Fig. 1) in a communications system comprising: registering the base station and the user terminal with each other by exchanging identification information and configuration information (col 7 lines 60-65), sending a request to open a communications stream message from the user terminal to the base station (mobile terminal send a channel request message 204 in Fig. 2, col 9 line 8 and 26-28), receiving a channel assignment message from the base station in response to the request message (base station transmits a channel assignment message, col 10 lines 18), the channel assignment message including an identification of an assigned communications channel for the communications stream (col 10 lines 37-45), sending data over the assigned communications channel.

Regarding claims 17 and 24 Bender discloses registering a base station and the user terminal with each other by exchanging identification information and configuration information (col 7 lines 60-65) receiving a request to open a communications stream message at the base station from the user terminal (channel request message 204 in Fig. 2, col 9 line 8 and 26-28), sending a channel assignment message from the base station in response to the request message (channel assignment message , col 10 line 18) , the channel assignment message including an identification of an assigned channel from the stream and receiving data from the user terminal stream (col 10 lines 37-45) and sending data from the base station over the assigned communication channel (by activating the session)

Bender did not specifically disclosed sending a further request message to open a further communication channel from the user terminal to the base station over the assigned communication channel neither receiving a further channel assignment message from the base station in response to the further request message including an identification of the further assigned channel, sending data over the further assigned channel, as in claims 1, 12, 17 and 24 ,neither a machine readable medium as in claims 12 and 24.

However Koo discloses a Data transmission system comprising sending a further request message (Supplemental channel request message 330 in Fig. 3) to open a further communication channel from the user terminal to the base station over the assigned communication channel (In the first request message a DTCH channel has been assigned and all data is transmitted over that channel, col 4 lines 34-36) ,

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receiving a further channel assignment message from the base station in response to the further request message (Extended supplemental channel assignment message 340 in Fig. 3, col 4 line 47) including an identification of the further assigned channel, sending data over the further assigned channel(SCH channel is further assigned, assignment message provides information about the channel characteristics) , as in claims 1, 12, 17 and 24.

Therefore it would have been obvious to one of ordinary skill in the art to provide the further request message as in Koo to the system disclosed by Bender for the system to have additional bandwidth to transmit and be able to do so more rapidly. Further in regard to claims 12 and 24 it would have been obvious to have a program or computer controlled process to implement a variety of functions such as voice communications, and data communications.

The motivation to do so is to provide a system for rapidly assigning traffic channel in digital wireless high speed packet data communications system

Regarding claim 3, Bender discloses wherein the request comprises an identification of the registration information (col 7 lines 66-67) .

Regarding claims 5, 15, 20 and 27 , wherein sending the request message comprises sending the request message on a random access channel that is shared by other terminals (mobile stations normally share RACH , col 8 line 16) .

Regarding claim 6, wherein the random access channel is assigned to the user terminal during registering (mobile stations transmit on the access channel using a random access procedure, col 8 line 23).

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Regarding claim 7, wherein , the configuration information includes information regarding the capabilities and communications environment of the user terminal (col 7 lines 65-67).

Regarding claim 8, wherein the request message includes information about the transmission power of the request message and wherein the channel assignment message includes information about transmission power of the remote for use on the assigned communications channel (col 9 lines 26-27).

Regarding claim 9, wherein the channel assignment message includes a timing correction for the user terminal to apply when sending data over the assigned communications channel (col 9 lines 45-47) .

Regarding claim 14, wherein the request comprises an identification of the registration information (transaction identifier, col 9 line 26).

Regarding claim 16, wherein the request message includes information about the transmission power of the request message and wherein the channel assignment message includes information about the transmission power for use on the assigned communications channel (i.e. pilot strength characteristics, col 9 line 27)

Regarding claim 18, wherein the request comprises an identification of the registration information (col 7 line 66) .

Regarding claim 21, wherein the configuration information includes information regarding the capabilities and communications environment of the user terminal (Physical layer 310 in Fig. 3 includes transmission characteristics).

Regarding claim 25, wherein the request comprises an identification of the registration information ((col 7 lines 65-67).

Regarding claim 28, wherein the configuration information includes information regarding the capabilities and communications environment of the user terminal (takes place during registration wherein MS identifies itself, col 7 line 65)

3. Claims 2, 4 and 11, 13 , 19, 22-23, 26, 29 are rejected under 35 U.S.C 103(a) as being unpatentable over US patent No. 6,366,779 (Bender) and US patent No.6,804,219 (Koo), in further view of US patent No. 6,052,594 (Chuang).

Bender and Koo did not specifically disclose receiving data to transmit at a buffer in the user terminal and sending a request in claims 2 , 13 and 23, a training sequence as in claims 4 and 19 and 26, receiving a page from the BS and sending the request message in response to said page, as in claims 11, 22, 29.

Chuang discloses a system for assigning channels for wireless communications comprising receiving data to transmit at a buffer in the user terminal and terminal responding upon receipt (data stored in terminal 93, upon receipt of a paging message from BS, terminal station scans –responds by scanning- for idle channels) as in claim 2; a training sequence to assist the BS (col 8 lines 55-59), as in claims 4, 19 and 26 ; receiving a page from the BS and sending a message in response to said page (col 12 lines 20-23, as in claim 11.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide the systems disclosed by Bender and koo with the paging means as disclosed by Chuang to obtaining an access protocol that provides

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bandwidth on demand and reuses spectrum resources providing high throughput and good quality of service.

The motivation to do so is to provide a system that performs channel assignment based on interference management

Conclusion

4. Allowability of claim 10 is hereby withdrawn due to new art developed.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306

(for formal communications intended for entry, for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to 220 South 20th Street, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Va 22202 (Customer Window).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ricardo Pizarro** whose telephone number is (571) 272-3077. The examiner can normally be reached on Monday-Friday from 9:00 AM to 5:30 PM. The fax number for this Group is (703) 872-9306.

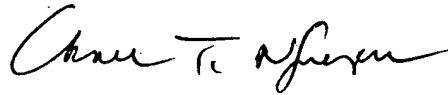
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Chau Nguyen** can be reached on (571) 272-3126.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

6/10/05

Ricardo Pizarro



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